IN RE: PETITION FOR SPECIAL EXCEPTION SE of Hunters Mill Road; E of McComas Road (2336 McComas Road) 10th Election District

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 88-380-X

Ernestine R. Chambers, et al Petitioners

3rd Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a special exception for a school, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Ernestine R. Chambers, Roger B. Cutter and Brenda R. Cutter, appeared, testified, and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Donald F. Webb. Jr., Director of The Whispering Oaks School, Contract Lessee of the subject property; and Paul Lee of Paul Lee Engineering. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.2, consists of approximately 20.17 acres, more or less, and is the site of the Whispering Oaks School. The Petitioners propose using Parcel A, which consists of 1.43 acres, plus or minus, for the purpose of establishing a one room private school for Species Kindergarten through 8th. Testimony indicated that the number of students would range from 9 to a maximum of 15. Petitioners request includes the right to add one additional building in the future on Parcel A as depicted on Petitioner's Exhibit 1. Testimony indicated that if the building is added, no greater than 15 additional students would be permitted. Testimony presented indicated that the proposed buildings and use as set forth in Petitioner's Exhibit 1 satisfies all of the requirements of the Baltimore County Zoning Regulations

The Petitioners seek relief from Section 1A01.2C.19, pursuant to Section 502.1 of the B.C.Z.R.

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal or described in the description at Special Exception under the 2	wner(s) of the property situand plat attached hereto and make to and make to make the coning Regui	ade a part hereof, hereby pe	titions for a
herein described property for	school		3 <i>F</i>
			E. D. 10th
			DATE 6/21/17
MORE COUNTY, MARYLAND	No. 47405		200 5=
OF FINANCE - REVENUE DIVISION LANEOUS CASH RECEIPT		oning Regulations.	1000 BF
1 1		advertising, posting, etc.,	DP
12/22/87ACCOUNT	01-615	ne zoning regulations and Baltimore County.	restrictions
		•	E-5,600
AMOUNY S	100 00	I/We do solemnly declare	and amrm,

ine R. Chambers Line R. Chambers CHAMBER (1) HERESINE (DE) 12-7 -

B) Cutter or Print Name) White Hall, Maryland 21161 City and State Attorney for Petitioner:

B.L.R. Cuttu S. Ericy biNenna (Type of Print Name) __2336_McComas_Road______Phone No. South form White Hall, Maryland 21161 409 Washington Ave., Suite 600 Name, address and phone number of legal owner, contract purchaser or representative to be contacted S. Eric DiNenna

Attorney's Telephone No.: 296-6820 409 Washington Ave. 296-6820

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of January, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

oning Commissioner of Baltimore County.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicnity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. With respect to the proposed school, in the opinion of the Deputy Zoning Commissioner, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or gene-Tral welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of April, 1988 that the Petition for Special Exception

Poul Log P.E.

Paul Leo Engineering Inc. 306 W. Ponnsylvania Ava. Towson Naryland 21208

#2336 McCOMAS ROAD - PARCEL "A" (1.43 ACRES -)

DESCRIPTION

10th ELECTION DISTRICT WHITE HALL , MARYLAND

Beginning for the same at a point located southerly 3022 feet + from the intersection of the centers of Hunters Mill and McComas Roads, and N 74°16'30" E -485 feet - from the east side of McComas Road; thence continuing along the same line;

(1) N 74°16'30" E - 250 feet, thence (2) N 15⁰43'30" W - 250 feet, thence

(3) S 74°16'30" W = 250 feet, and

(4) S $15^{0}43^{1}30^{0}$ E - 250 feet to the point of

Containing 1.43 Acres of land more or less.

EWSPAPERS OF MARYLAND, INC.

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Vestminster, Carroll County, Maryland. ws, a weekly newspaper published in Baltimore County, Maryland.

for a school at the location described in Petitioner's Exhibit 1 be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) At no time shall there be greater than 30 students enrolled in the school without another public hearing to determine the appropriateness of the increase.

> > ANN M. NASTAHOWICZ Deputy Zoning Commissioner of Baltimore County

88-380-X CERTIFICATE OF POSTING

ZONING DEPARTMENT OF SALTIMORE COUNTY

District 1074 Date of Posting 3/21/87 Posted for: 2 Posiol Exceptions Petitioner: Frestine R. Chembers, to h.
Location of property: 1785' NELS Millow, Rd. 70,2' seldost., Milles 2336 Mcame, Rd Location of Signa: Location Microsoft of the 20 for you dury or frequently of lately Date of return: 4/1/85

Signature

Location of Signa: Location Microsoft of the Signature

Date of return: 4/1/85

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, Haryland 21204

RE: Petition for Special Exception SE of Hunters Mill Road; E of McComas Road (2336 McComas Road) 10th Election District; 3rd Councilmanic District Ernestine R. Chambers, et al - Petitioners Case No. 88-380-X

Dear Mr. Dillenna:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Special Exception has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTARONICZ Deputy Zoning Commissioner

of Baltimore County

Enclosures cc: Mr. Donald F. Webb, Jr. Director, Whispering Oaks School

1723 Windemere Avenue, Baltimore, Hd. 21218-3029

304 W. Pennsylvania Avenue, Towson, Md. 21204 People's Counsel

Sid: MA

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception Case number: 88-380-X 485' NE McComas Road, 3022' SE Hunters Mill Road (2336 McComas Road) 10th Election District - 3rd Councilmanic District Petitioners: Ernestine R. Chambers, et al HEARING SCHEDULED: TUESDAY, MARCH 22, 1988 at 11:00 a.m.

(FOR SNOW DATE, CALL 494-3391)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date

of the hearing set above or presented at the hearing.

Special Exception: School

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

> S. Eric DiNenna, Paq. Disense, Menn & Breschi

409 Washington Avenue, Suite 600

J. Robert Haines
Zonng Communicar

Towson, Maryland 21204 Re: Petition for Special Exception Case number: 58-3-x)-A

485° NE McComps Road, 3022° SE Hunters Mill Road 10th Election District - 3rd Councilmanic District Tetitioners: Ernestine R. Chambers, et al

Please be advised that \$2.35 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204,

Na. 50600

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	7 71 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	urs,
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Whispering Paks School

APPLICATION FOR ADMISSION

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BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue

2336 McComas Road 🐞 White Hall, Maryland 21161 💩 357-5354 💩 343-0342

Towson, Maryland 21204 Your petition has been received and accepted for filing this 7th day of January , 1988.

Petitioner Ernesting R. Chambers, et aReceived by: fames E. Dyer
Petitioner's Chairman, Zoning Plans Attorney S. Eric Dimenna, Esquire

Advisory Committee

NOTICE OF HEARING The Zoning Commissioner of Bal-timore County, by authority of the Zoning Act and Regulations of Balti-more County will hold a public hearing on the property identified herein in Room 196 of the County Office Building, located at 11? W Chesapeake Avenue in Towson Maryland as follows: Pention for Special Exception SE Hunters Mill Road (2336 McComas Road) bers, et al Hearing Date: Tuesday, April 12, 1988 at 11:00 s.m. In the event that this Petition is granted, a build; permit may be issued within the thirty (30) dey appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of request for a stay of the issuance or said permit during this period for good cause shown. Such request must e in writing and received in this office by the date of the hearing set above or presented at the hear-

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 24, 1088

THE JEFFERSONIAN,

Shisan Sender Obrect Publisher

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Industrial

Development

Eric DiNenna, Esquire l Nenna, Mann, & Breschi 409 Washington Avenue, Suite 600 Towson, Maryland 21204

> Item No. 233 - Case No. 88-380-X Petitioner: Ernestine R. Chambers, et al Petition for Special Exception

> > ال يهو شعريد ويواف الشاود .

Dear Mr. DiNenna:

Bureau of Engineering Department of Traffic Engineering State Roads Commission Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/se Zoning Plans Advisory Committee

JED:cer Enclosures

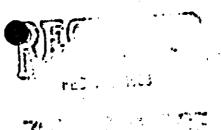
cc: Paul Lee Engineering, Inc. 304 W. Pennsylvania Avenue Towson, Maryland 21204

The Director, Mr. Donald F. Webb, Jr., holds a B.S. from Rutgers University, New Brunswick, New Jersey, and a Master's in Education and in The Art of Teaching from Antioch-Putney College, Putney, Vermont. He holds an Advanced Professional Teaching Certificate from Maryland for grades K-8 in all subjects and in Outdoor Education. He has taught for twenty years in: a rural one-room schoolhouse in East Kentucky; the public and private schools and colleges of Vermont and New Hampshire, and the public and private schools of Maryland. vate schools of Maryland.

As an educator in Maryland, Mr. Webb has taught at the Gilman School, in the Baltimore City School system and at the Jemicy School. He has led numerous seminars and orkshops for teachers in the State in conjunction with the Association of Independent Maryland Schools. He has learned about and taught with children of all needs and abilities.

He is the founder and the Director of the thirteen-year-old environmental education camp, Don Webb Nature Camp, Inc. Mr. Webb holds an honorary teaching position at the Echo Hill Outdoor Education School in Worton, Maryland.

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204



February 16, 1988

Dennis F. Rasmusses

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 232, 233) 234 and 235.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF/pml-b

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. J. Robert Haines
Zoning Commissioner FROM Mr. P. David Fields, Director office of Flanning and Zoning SUBJECT Zoning Petition #88-380-X

> This effice is not opposed to the granting of the subject request.

Date April 11 19,000

cc: Ms. Shirley M. Hess, People's Counsel

AFR 12 1988

ZONING OFFICE

BALTING COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item 233, Zoning Advisory Committee Meeting of January 5, 1978

Property Owner: Exacstine R. Chambers et al

Location: 435'NE McGanas Rd., 3022'3E Hunter Mill Rd. District 10

private! Water Supply ____ Sewage Disposal crivete

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Flans Review Section, Bureau of Regional Community Services, for final review

() Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Hanagement, 494-3775, to obtain requirements for such installation/s before work begins. () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Sureau of Air Quality Management is required for any charbroller operation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of

Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment. Prior to rezing of existing structure/s, petitioner must contact the Division of Waste Management

at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvente, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Hanagement at 494-3768. () Soil percolation tests, have been ____, sust be ____, conducted.
() The results are valid until _____.

) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required. () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test) shall be valid until) is not acceptable and must be retested. This must be accomplished prior to conveyance

of property and approval of Building Permit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

. () If submission of plans to the County Review Group is required, a Hydrogeological Study and

Environmental Effects Report must be substitud.

(V) Others As per agreement with Water + Sewer Civisien-Cept. of Envir. Postering to existing sewing disposal system with the fellowing stipulations.

Che students or teachers may be housed on site.

BNe feed my be proposed and served on site. Dithin 3 years or when is students or new ore encelled in school, the school hole will disconnect from the existing samue disposal existen

Any expansion of school facilities in the future will require submission of plans and compliance with all applicable regulations of this Department.

Kauen Oh Therring

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County Fire Department Towson, Maryland 21204-2586 191-1500

Paul H. Reincke J. Robert Haines

January 12, 1988

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

Re: Property Owner: Ermestine R. Chambers, et al

Location: 485' NE McComas Road, 3022' SE Hunter Mill Road

Item No.: 233

Zoning Agenda: Meeting of 1/5/88

Cent lemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or teginning of operation. Paved access road shall be provided to future classroom building.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nr. J. Robert Haines
TO Zoning Commissioner

Date April 7, 1988

P. David Fields

FROM Director of Plenning and Zoning

SUBJECT Zoning Petition No. 88-380-X

This office is not opposed to the granting of the subject request.

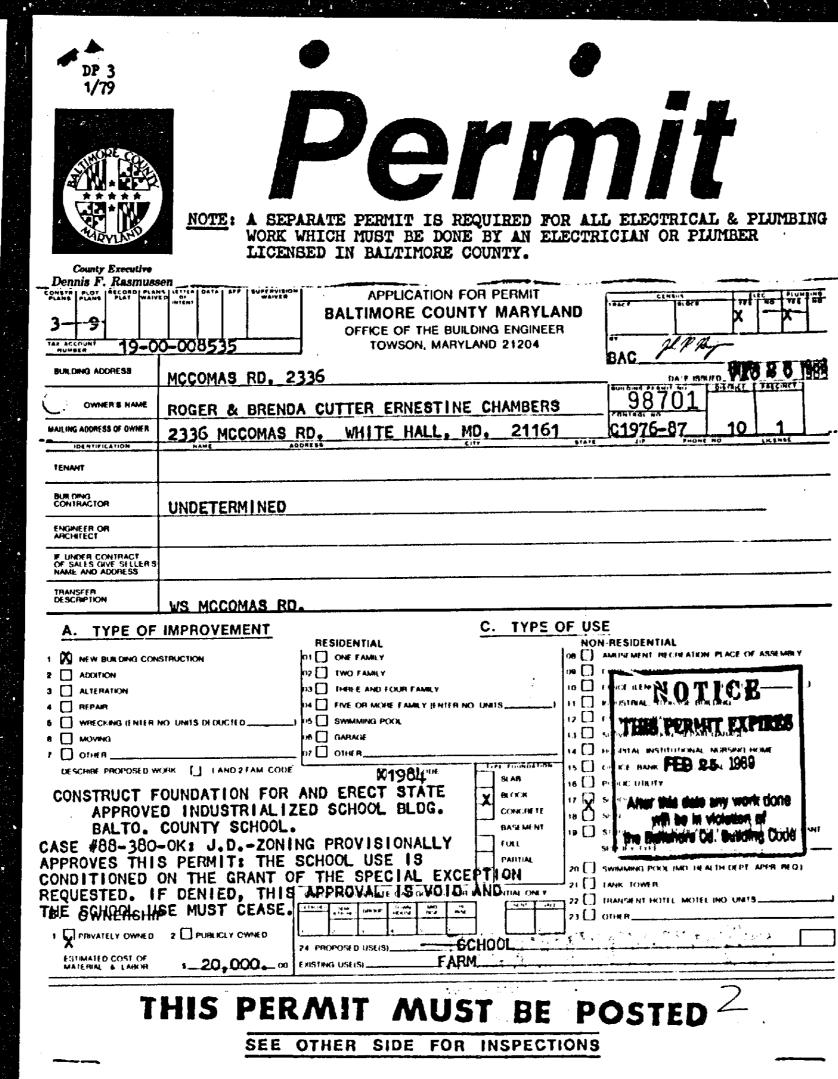
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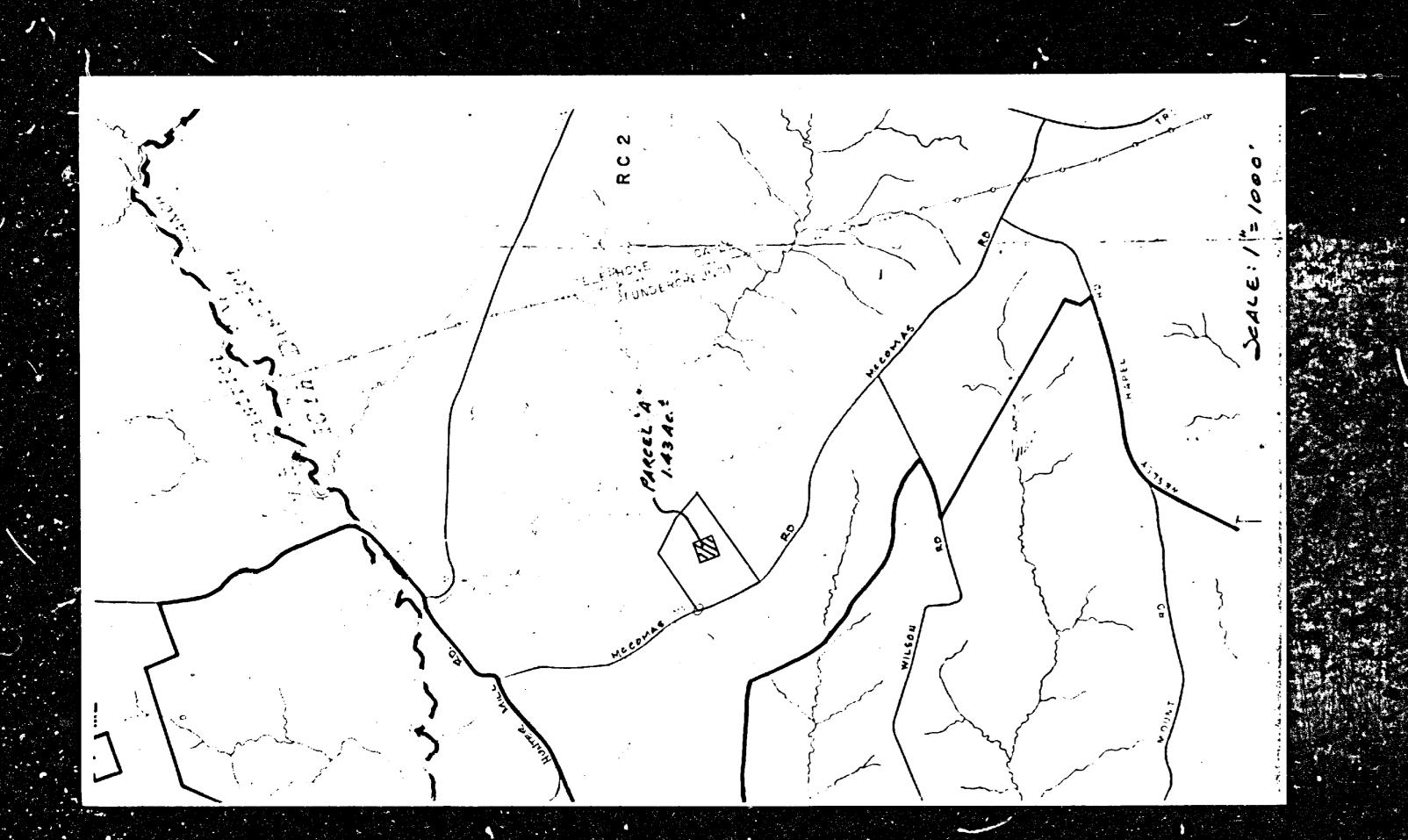
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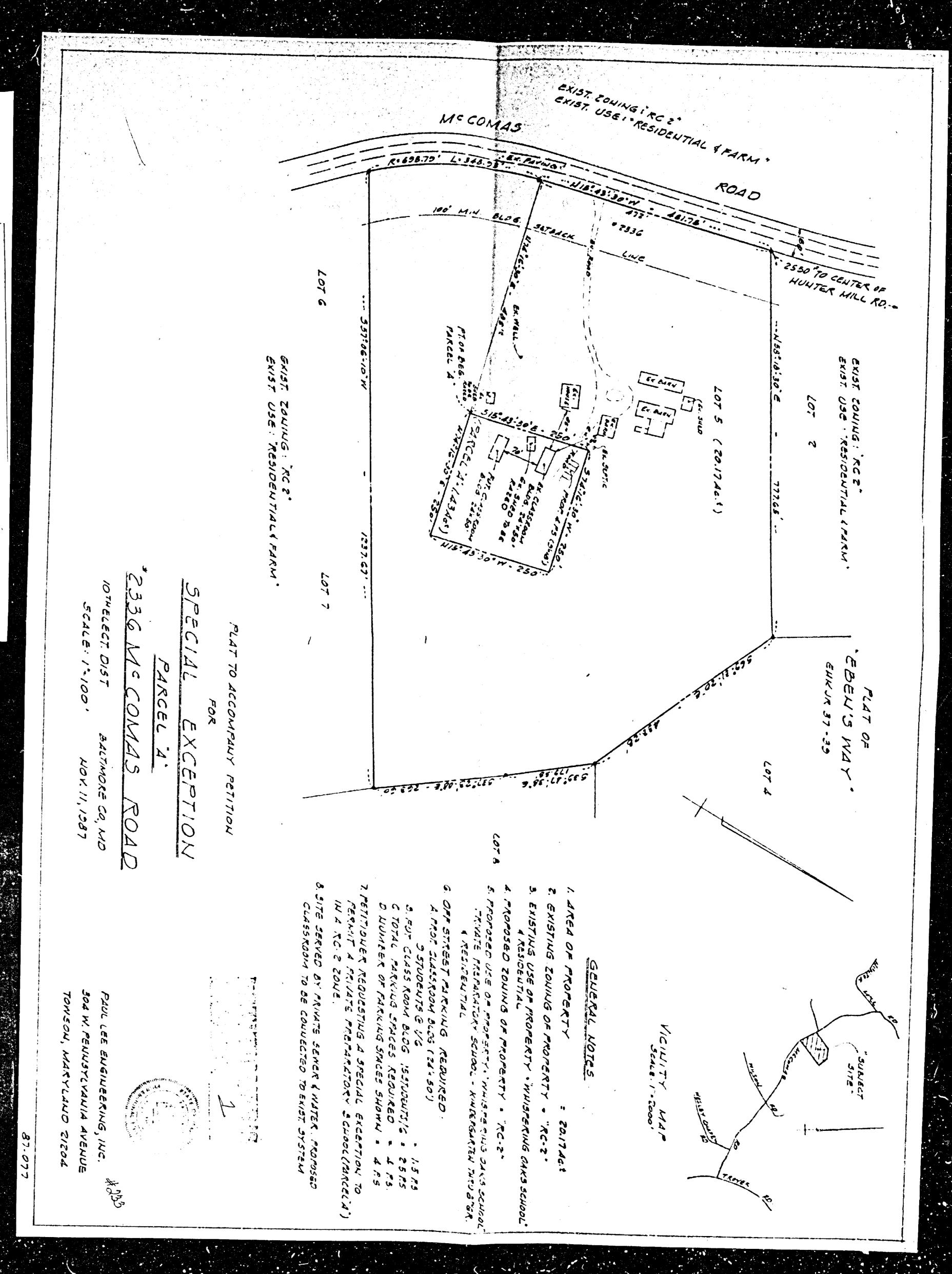
Director

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel









CPS-008